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# WYONG SHIRE COUNCIL

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 8 June 2011 COMMENCING AT 5:01 PM

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### PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

### IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Acting Director Corporate Services, Director Community and Recreation Services and General Counsel.

Manager Place Management, Manager Roads and Stormwater, Senior Development Planner and two Corporate Governance staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Councillor Graham delivered the opening prayer and Councillor Matthews read the acknowledgment of country statement.

- \* Councillor Matthews presented to Council a framed Certificate of Appreciation and Cap from Soldiers Beach Surf Life Saving Club.
- \* Councillor McBride presented to Council copies of a book titled "Play the Game - History of Kanwal Public School" compiled by Greg Tunn for the 2011 Centenary of Kanwal Public School.
- \* Councillor Symington spoke about a seminar that he recently attended presented by Mark Freedman titled "Planning for Community Outcomes."

The General Manager, Michael Whittaker announced that Bronwyn Rumbel, Manager Economic and Property Management is leaving Wyong Shire Council after 18 years service to take up a role at Cessnock City Council. The General Manager commented on Bronwyn's achievements during her time at Council and wished her all the best in the future.

The Acting Director Corporate Services, Cate Trivers thanked Bronwyn for being a valuable part of David Jack's team and her contribution to the planning processes over the years and wished Bronwyn a great life and successful career at Cessnock.

Councillor Graham added that Bronwyn has been a great supporter of the Mariners over the past 6 years and look forward to see her at the games.

Councillor Vincent commented that over the past three years that he has known Bronwyn that she has always been helpful and efficient in her dealings with Councillors.

## **APOLOGIES**

There were no apologies.

All reports were dealt with in their correct agenda sequence.

### **1.1 Disclosures of Interest**

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#### **4.1 - DA 736/2010 - Proposed Residential Flat Building at The Entrance - Application to the Joint Regional Planning Panel**

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP) determining this application, left the chamber at 6.02 pm, took no part in discussion did not vote and returned to the chamber at 6.04 pm.

Director Environment and Planning declared a non-pecuniary insignificant conflict of interest in the matter for the reason that, she is a Council representative on the Joint Regional Planning Panel (JRPP).

Ms Vereker stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I have declared an interest to the JRPP with respect to this application and will not sit on the Panel on the basis that I may need to answer questions to the Council meeting."*

Councillor Symington declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is an alternate member on the Joint Regional Planning Panel (JRPP).

Councillor Symington stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am an alternate member on the Joint Regional Planning Panel."*

#### **5.6 - Proposed Councillors' Community Improvement Grants**

Councillor Matthews declared a non-pecuniary insignificant conflict of interest in the matter for the reason that, she is a volunteer for 2261 Out of the Box Inc.

Councillor Matthews stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I don't have any voting rights."*

#### **6.3 - Impact of the Power Industry on Lake Macquarie, Lake Munmorah and Lake Budgewoi**

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity left the chamber at 7.42 pm, took no part in discussion, did not vote and returned to the chamber at 7.57 pm.

### **7.1 - Notice of Motion - Closure of Coal Fired Power Station at Lake Munmorah**

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity left the chamber at 7.59 pm, took no part in discussion, did not vote and returned to the chamber at 8.07 pm.

### **8.3 - General Manager's Performance Appraisal**

Michael Whittaker declared a pecuniary interest in the matter for the reason that this matter relates to his employment contract, left the chamber at 8.16 pm, took no part in discussion, did not vote and returned to the chamber at 8.34 pm.

***RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:***

***That Council receive the report on Disclosure of Interest and note advice of disclosures.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### **1.2 Proposed Inspections and Briefings**

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Councillor McBride left the meeting at 5.15 pm and returned to the meeting at 5.16 pm during consideration of this item.

Councillor Matthews left the meeting at 5.33 pm and returned to the meeting at 5.36 pm during consideration of this item.

*A MOTION was MOVED by Councillor MCNAMARA and SECONDED by Councillor WEBSTER:*

- 1 That Council receive the report on Proposed Inspections and Briefings note the inspections and briefings.*
- 2 That Council reschedule the briefings on the Shirewide Heritage Review and DCP Chapter 14 Tree Management to be held on Wednesday, 13 July 2011 with two hours allocated for the heritage review and one hour allocated for the tree management review.*
- 3 That Council reschedule an Extraordinary Meeting on 13 July 2011 to deal with the reports and recommendations on these two items together with other regular business items.*

*AN AMENDMENT was MOVED by Councillor WYNN and SECONDED by Councillor MATTHEWS:*

- 1 That Council receive the report on Proposed Inspections and Briefings note the inspections and briefings.*

- 2 That Council reschedule the briefings on the Shirewide Heritage Review and DCP Chapter 14 Tree Management to be held on Wednesday, 13 July 2011 with two hours allocated for the heritage review and one hour allocated for the tree management review.

Councillor Vincent gave notice of a Foreshadowed Amendment.

**The AMENDMENT was put to the VOTE and declared LOST on the casting vote of the Mayor.**

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

Councillor Vincent withdrew his intention of a Foreshadowed Amendment.

**RESOLVED on the motion of Councillor MCNAMARA and seconded by Councillor WEBSTER:**

- 1 That Council receive the report on Proposed Inspections and Briefings note the inspections and briefings.
- 2 That Council reschedule the briefings on the Shirewide Heritage Review and DCP Chapter 14 Tree Management to be held on Wednesday, 13 July 2011 with two hours allocated for the heritage review and one hour allocated for the tree management review.
- 3 That Council reschedule an Extraordinary Meeting on 13 July 2011 to deal with the reports and recommendations on these two items together with other regular business items.

**The MOTION was put to the vote and declared CARRIED on the casting vote of the Mayor.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

### **Leave of Absence**

Leave of absence from the Extraordinary Council meeting of 13 July 2011 meeting was sought from Councillors Wynn and Matthews.

***RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor GRAHAM:***

***That Council grant leave of absence to Councillors Wynn and Matthews for the Extraordinary Council meeting of 13 July 2011 meeting.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### **1.3 Confirmation of Minutes of Previous Meeting**

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***RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor GRAHAM:***

***That Council confirm the minutes of the previous Ordinary Meeting held on 25 May 2011 with the following correction:***

#### **U24/11 – Motion of Urgency – Changes to State Solar Rebate**

***Councillor Wynn advised that the figure moved in the first motion should have stated 110,000 residents and not 11,000 as was stated.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

### **Business Arising**

There was no business arising.

### **2.1 Mayoral Minute - Attendance at Leaders of Local Government Workshop "Local Government - Destination 2036"**

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***RESOLVED unanimously on the motion of Councillor EATON:***

***1 That Council authorise the attendance of the Mayor and General Manager at the "Local Government – Destination 2036" workshop at Dubbo on 17 and 18 August 2011.***

***2 That Council meet reasonable expenses incurred in their attendance at the above workshop.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **2.2 Mayoral Minute - Central Coast Rugby Union Championships**

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Councillor Best left the meeting at 5.54 pm and returned to the meeting at 5.55 pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor EATON:**

- 1 That Council underwrites the bid for the 2012 Country Rugby Union Championships to the value of \$10,000 provided that Gosford City Council also contributes \$10,000 to underwriting the event.**
- 2 That Council's support is conditional upon Central Coast Rugby Union recognising Council on promotional material, pamphlets and signage.**
- 3 That Council develop a Central Coast Events strategy in partnership with Central Coast Tourism and Gosford City Council during the upcoming financial year.**
- 4 That Council report on funding opportunities for the NSW State Age Netball Championships in 2012.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **3.1 Notice of Intention to Deal with Matters in Confidential Session**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WEBSTER:**

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(a, c, d & g) of the Local Government Act 1993:**

**Report no 8.1 – Electricity Contract Arrangements from 1 July 2011**

**Report no 8.2 – Woongarah Waters Development – Water Quality Credit**

**Report no 8.3 – General Manager's Performance Appraisal**

- 2 That Council note its reason for considering Report Nos 8.1, 8.2 and 8.3 confidential session is that it contains:**

**Report no 8.1**

**(d) commercial information of a confidential nature that would, if disclosed:**

**(i) prejudice the commercial position of the person who supplied it, or**

**(ii) confer a commercial advantage on a competitor of the Council, or**

**(iii) reveal a trade secret,**

**Report no 8.2**

**(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,**

**(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,**

**Report no 8.3**

**(a) personnel matters concerning particular individuals (other than Councillors),**

**3 That Council request the General Manager to report on this matter in open session of Council.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

The Mayor, Councillor Eaton vacated the chair and Councillor Graham assumed the Chair for consideration of this item.

**4.1 DA 736/2010 - Proposed Residential Flat Building at The Entrance - Application to the Joint Regional Planning Panel**

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Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP) determining this application, left the chamber at 6.02 pm, took no part in discussion, did not vote and returned to the chamber at 6.04 pm.

Director Environment and Planning declared a non-pecuniary insignificant conflict of interest in the matter for the reason that, she is a Council representative on the Joint Regional Planning Panel (JRPP).

Ms Vereker stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I have declared an interest to the JRPP with respect to this application and will not sit on the Panel on the basis that I may need to answer questions to the Council meeting."*

Councillor Symington declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is an alternate member on the Joint Regional Planning Panel (JRPP).

Councillor Symington stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am an alternate member on the Joint Regional Planning Panel."*

**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor MCNAMARA:**

**That Council receive the report on DA 736/2010 - Proposed Residential Flat Building at The Entrance - Application to the Joint Regional Planning Panel.**

FOR: COUNCILLORS BEST, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

The Mayor, Councillor Eaton resumed the Chair.

**4.2 Contract CPA/197275 - Cabbage Tree Harbour, Toe Drainage Structure**

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**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor GRAHAM:**

- 1 That Council receive the report on Contract CPA/197275 Cabbage Tree Harbour Toe Drainage Structure.**
- 2 That Council approve a project budget of \$2,476,000 (excluding GST) to complete construction of the Toe Drainage Structure as designed by WorleyParsons (Issue For Construction Drawings, 13699 dated 01/06/2011) including a \$220,000 (15%) contingency.**
- 3 That Council contact the Office of Environment and Heritage requesting additional grant funding to the amount of \$260,774 in 2011/2012.**
- 4 That Council approve additional funds of \$774,519 to meet the current shortfall.**
- 5 That Council consider the funding source as part of the September budget review.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**5.1 Request to Close Walkway between Scribbly Gum Close and Northlakes Shopping Centre Car Park San Remo**

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**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor MCNAMARA:**

- 1 That Council endorse the closure of the pedestrian walkway between Scribbly Gum Close and Coles Supermarket Car Park San Remo.**
- 2 That Council advise residents and neighbouring schools and businesses in the immediate area of the decision.**
- 3 That Council expedite the closure of the walkway as quickly as possible.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL



## SUSPENSION OF ORDER OF BUSINESS

**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA:**

***That Council use the exception method to deal with the balance of the Agenda.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:**

***That with the exception of report numbers 5.2, 5.4, 5.5, 5.8, 6.2, 6.3, 6.4, 7.1, 7.2 and 8.3 Council adopt the recommendations contained in the remaining reports.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **5.2 Sustainable Event Management Policy**

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**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor VINCENT:**

- 1 That Council receive the report on a Sustainable Event Management Policy.**
- 2 That Council adopt the Sustainable Event Management Policy.**
- 3 That Council grant delegation for future amendments to the policy to the General Manager.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **5.3 The Art House, Wyong Shire Performing Arts and Conference Centre Logo Design Competition Winner**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:**

- 1 That Council accept The Art House Logo Design Competition Judging Panel's recommendation that the winning prize be awarded to Logo 1 and the two runner up prizes (including The Children's Entry) be awarded to Logo 2.**

**2 That Council resolve to adopt Logo 1 as The Art House, Wyong Shire Performing Arts and Conference Centre logo.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**5.4 Vandalism of The Entrance Ocean Baths**

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**RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor BEST:**

**1 That Council receive the report on Vandalism of The Entrance Ocean Baths.**

**2 That Council continue to monitor the levels of anti social behaviour and vandalism at The Entrance Ocean Baths.**

**3 That Council apply for a grant to fund the installation of a CCTV camera at The Entrance Ocean Baths.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**5.5 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2011-12**

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Councillor Graham left the meeting at 7.04 pm and returned to the meeting at 7.05 pm during consideration of this item.

*It was MOVED by Councillor VINCENT and SECONDED by Councillor MATTHEWS:*

*That Council decline to implement the recommend determination made by the Local Government Remuneration tribunal to raise Councillor and Mayoral fees by 4.2% in the 2011-12 financial year as a contribution to reducing Council's current deficit of \$17.9m.*

**The MOTION was put to the vote and declared LOST.**

FOR: COUNCILLORS MATTHEWS, MCBRIDE, AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor WYNN:**

**1 That Council implement the determination made by the Local Government Remuneration Tribunal in respect of Councillor and Mayoral fees.**

**2 That Council set the annual Mayoral Fee at \$56,250 for the period 1 July 2011 to 30 June 2012.**

- 3 ***That Council set the annual Deputy Mayoral fee at \$8,033.98 for the period 1 July 2011 to 30 June 2012.***
- 4 ***That Council reduce the paid annual Mayoral Fee by \$8,033.98 to fund the annual Deputy Mayoral fee.***
- 5 ***That Council reduce the paid annual Mayoral Fee by \$1,840.39 for use of the Mayoral Motor Vehicle.***
- 6 ***That Council set the Annual Councillor Fee at \$21,170 for the period 1 July 2011 to 30 June 2012.***
- 7 ***That Council invite interested Councillors to surrender any increase or indeed their full allowance to assist with the deficit reduction.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### **5.6 Proposed Councillors' Community Improvement Grants**

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Councillor Matthews declared a non-pecuniary insignificant conflict of interest in the matter for the reason that, she is a volunteer for 2261 Out of the Box Inc.

Councillor Matthews stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I don't have any voting rights."*

***RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:***

***That Council allocate an amount of \$5,800 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### **5.7 Regional Waste Collaboration**

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***RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:***

- 1 ***That Council receive the report on Regional Waste Collaboration between Wyong Shire Council and Gosford City Council.***
- 2 ***That Council endorse WSC and GCC continuing to work together to explore and provide regional waste programs to the Central Coast community.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN  
AGAINST: NIL

### **5.8 Proposed 'Adopt a Drain' Program**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WYNN:**

- 1 That Council implement an 'Adopt a Waterway' volunteer program using the existing resources of the Landcare program commencing 2011/12 financial year.**
- 2 That Council develop a procedure that captures the water quality monitoring data collected by volunteer groups, with assistance from the Central Coast Environmental Network.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN  
AGAINST: NIL

### **6.1 Information Reports**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:**

**That Council receive the information reports and adopt the recommendations with the exception of report numbers 6.2, 6.3 and 6.4.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENT, WEBSTER AND WYNN  
AGAINST: NIL

### **6.2 Mardi to Mangrove Link Project Status**

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Councillor McNamara left the meeting at 7.41 pm during discussion of this item and as a result did not vote.

**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor GRAHAM:**

**That Council receive the report on Mardi to Mangrove Link Project Status.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON,  
VINCENT, WEBSTER AND WYNN  
AGAINST: NIL

**6.3 Impact of the Power Industry on Lake Macquarie, Lake Munmorah and Lake Budgewoi**

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Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity left the chamber at 7.42 pm, took no part in discussion, did not vote and returned to the chamber at 7.57 pm.

Councillor McNamara returned to the meeting at 7.43 pm during consideration of this item.

Councillor Matthews left the meeting at 7.47 pm and returned to the meeting at 7.49 pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor WYNN:**

- 1 That Council receive the report on Impact of the Power Industry on Lake Macquarie, Lake Munmorah and Lake Budgewoi.**
- 2 That Council request the Office of Environment and Heritage for a copy of the 2010 Lake Munmorah Power Station annual return.**
- 3 That staff report their recommendations to Council on locations / sites of potential interests for inspection at the upcoming Council site inspection of the Lake Munmorah Power Station.**
- 4 That Council request a further report on the type and discharge of pollutants into water bodies of these power stations preferably by an external expert.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: NIL

**6.4 Wyong LEP 2012 - Zoning for Infrastructure**

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**RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor BEST:**

**That Council receive the report on Wyong LEP 2012 - Zoning for Infrastructure.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**6.5 Outstanding Questions without Notice and Notice of Motions**

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**RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:**

**That Council receive the report on Outstanding Questions without Notice and Notice of Motions.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, VINCENTJ, WEBSTER AND WYNN  
AGAINST: NIL

**7.1 Notice of Motion - Closure of Coal Fired Power Station at Lake Munmorah**

---

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity left the chamber at 7.59 pm, took no part in discussion, did not vote and returned to the chamber at 8.07 pm.

***RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor BEST:***

***That Council reiterate its position requesting the closure of the coal fired power station at Lake Munmorah as soon as practicably possible.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,  
SYMINGTON, WEBSTER AND WYNN  
AGAINST: NIL

**7.2 Notice of Motion - Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission**

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***RESOLVED on the motion of Councillor WYNN and seconded by Councillor MCNAMARA:***

- 1 That Council write to the NSW Premier and the Minister for Planning and Infrastructure with regard to the recent approval under Part 3A of the developments at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission:***
  - a Condemning the decision of the previous government to approve the development.***
  - b Requesting a meeting with the Member for Swansea Gary Edwards MP and the Member for Lake Macquarie Greg Piper MP to ask for their assistance in returning the development to the relevant Councils for determination of implementation of the decision.***
  - c Outlining its concerns regarding the number of lots retained and the fact that the approval was issued prior to the finalisation of the relevant Development Control Plan.***
- 2 That Council be advised of the current status of the proposed Coal and Allied Part 3A application and request that application be returned to Council for determination.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND  
WYNN  
AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

## QUESTIONS ON NOTICE

### **Q16/11 Status Report on Delay in Purchasing Relocatable Security Cameras**

**Councillor Symington**

F2004/07937

*“Can staff provide a status report on the delay in purchasing the relocatable security cameras, previously approved by Council resolution, in the ongoing fight against graffiti?”*

### **Q17/11 Warnervale Road Upgrade**

**Councillor Vincent**

F2004/07773

*“Could staff please advise when Warnervale Road will be upgraded to allow traffic to traverse the road during heavy rain periods.”*

### **Q18/11 Weight Limits for Trucks at Virginia, Minnesota and Warnervale Roads**

**Councillor Vincent**

F2007/00343

*“Could staff please advise what actions can be taken to limit heavy and overweight trucks from using Virginia Road, Minnesota Road and Warnervale Road as there is a 3.6 tonne limit on these roads?”*

## CONFIDENTIAL SESSION

At this stage of the meeting being 8.17 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:

### **8.1 – Electricity Contract Arrangements from 1 July 2011**

The reason for dealing with the report confidentially is that it contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

### **8.2 - Woongarra Waters Development - Water Quality Credit**

The reason for dealing with the report confidentially is that it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

### **8.3 - General Manager's Performance Appraisal**

The reason for dealing with the report confidentially is that it contains personnel matters concerning particular individuals.

## OPEN SESSION

Council resumed in open session at 8.34 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

### **8.1 Electricity Contract Arrangements from 1 July 2011**

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- 1 *That Council endorse the proposed arrangements for the supply of electricity from 1 July 2011.*
- 2 *That the General Manager accept the Offer from Energy Australia to supply electricity to large sites by the closing date of 15 June 2011.*

### **8.2 Woongarra Waters Development - Water Quality Credit**

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- 1 *That Council receive the report on Woongarra Waters Development - Water Quality Credit.*
- 2 *That Council endorse the actions of the General Manager in negotiating a positive outcome to this matter.*
- 3 *That Council authorise the General Manager to execute a Deed of Agreement covering the negotiated outcome.*

### **8.3 General Manager's Performance Appraisal**

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- 1 *(Confidential Resolution – see note below).*
- 2 *(Confidential Resolution – see note below).*
- 3 *(Confidential Resolution – see note below).*

NOTE: THE PRECISE DETAIL CONTAINED IN THIS RESOLUTION IS WITHHELD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT AND IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

**THE MEETING** closed at 8.36 pm.